

IFW/B



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Brian S. McCain

Examiner: Joseph O Schell

Serial No.: 10/716,961

Art Unit: 2114

Filed: November 19, 2003

Docket: TUC920030127US1 (16990)

For: ERROR RECOVERY IN A
CLIENT/SERVER APPLICATION USING TWO
INDEPENDENT SOCKETS FOR COMMUNICATION

DATED: June 29, 2007

Confirmation No. 7679


Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Applicant's Comment on Examiner's Comments in the Notice of Allowability

The Notice of Allowability mailed April 5, 2007 includes an Examiner's Comment, which states, "In the examination of this case, the use of 'socket' within the claims has been interpreted by the examiner, in view of the overwhelming evidence found in the specification, as referring to network sockets and not physical sockets."

It is not entirely clear what the term "physical sockets" would cover. Thus, Applicant notes that the above Examiner's comment should not be used to limit the scope of the claims and their equivalents, determined under proper interpretation in light of the specification and other intrinsic and extrinsic material.

Respectfully submitted,


Steven Fischman
Registration No. 34,594

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza- Suite 300
Garden City, New York 11530
(516) 742-4343

SF:EP:me